

1 CHRISTOPHER J. NEARY (SBN: 69220)
110 South Main Street, Suite C
2 Willits, CA 95490
Telephone: (707) 459-5551
3 Email: cjneary@pacific.net
4 Attorneys for Plaintiffs

5 ERIC D. HOUSER (SBN 130079)
JASON K. BOSS (SBN 228147)
6 HOUSER & ALLISON, APC
9970 Research Drive
7 Irvine, California 92618
Phone: (949) 679-1111
8 Email: jboss@houser-law.com
9 Attorneys for Defendants

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA- EUREKA

12 CHRISTOPHER GENE LYMAN; JESSICA
13 HELEN O'DANIEL,

14 Plaintiffs,

15 vs.

16 SAXON MORTGAGE SERVICES, INC.;
OCWEN LOAN SERVICING, LLC; FIRST
17 NLC FINANCIAL SERVICES, LLC; and
DOES 1 through 100 , inclusive

18 Defendants.
19

Case No: CV110433

**STIPULATION RE. EXTENSION OF
TIME TO FILE REPLY TO
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS**

Date: May 15, 2012

Time: 10:00 a.m.

Ctrm: 205a

20 **IT IS HEREBY STIPULATED AND AGREED** by Plaintiffs CHRISTOPHER GENE
21 LYMAN and JESSICA HELEN O'DANIEL (collectively "Plaintiffs") and Defendants OCWEN
22 LOAN SERVICING, LLC, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS
23 TRUSTEE FOR IXIS REAL ESTATE CAPITAL TRUST 2005-HE3 MORTGAGE PASS
24 THROUGH CERTIFICATES, SERIES 2005-HE3 (erroneously sued as DEUTSCHE BANK
25 NATIONAL TRUST COMPANY), DEUTSCHE BANK NATIONAL TRUST COMPANY, AS
26 TRUSTEE FOR IXIS REAL ESTATE CAPITAL TRUST 2005-HE3 MORTGAGE PASS
27 THROUGH CERTIFICATES, SERIES 2005-HE3 (erroneously sued as IXIS REAL ESTATE
28 CAPITAL TRUST 2004-HE3), MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,

1 INC., AND WESTERN PROGRESSIVE, LLC (collectively "Defendants") by and through their
2 respective counsel of record herein, that:

3 Whereas Defendants have filed a Motion to Dismiss Plaintiffs' Third Amended
4 Complaint ("TAC") currently scheduled for hearing before this Court on May 15, 2012;

5 Whereas Plaintiffs have filed an Opposition to Defendants' Motion to Dismiss the TAC,
6 and Defendants' Reply to Plaintiffs' Opposition to the Motion to Dismiss the TAC was currently
7 due, pursuant to Local Rule, on April 16, 2012; and

8 Whereas the Parties have agreed that Defendants shall be permitted a nine (9) day
9 extension in which to file and serve their Reply to Plaintiffs' Opposition to the Motion to
10 Dismiss the TAC **until April 25, 2012.**

11 **IT SO AGREED AND STIPULATED.**

12 DATED: April 10, 2012

NEARY AND O'BRIEN

13 /s/ Christopher J. Neary

14 Christopher J. Neary
15 Attorneys for Plaintiffs CHRISTOPHER
16 GENE LYMAN and JESSICA HELEN
O'DANIEL

17 DATED: April 10, 2012

HOUSER & ALLISON

18 /s/ Jason K. Boss

19 Jason K. Boss
20 Attorneys for Defendants OCWEN LOAN
21 SERVICING, LLC, DEUTSCHE BANK
22 NATIONAL TRUST COMPANY, AS
23 TRUSTEE FOR IXIS REAL ESTATE
24 CAPITAL TRUST 2005-HE3 MORTGAGE
25 PASS THROUGH CERTIFICATES, SERIES
26 2005-HE3 (erroneously sued as DEUTSCHE
27 BANK NATIONAL TRUST COMPANY),
28 DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR IXIS REAL
ESTATE CAPITAL TRUST 2005-HE3
MORTGAGE PASS THROUGH
CERTIFICATES, SERIES 2005-HE3
(erroneously sued as IXIS REAL ESTATE
CAPITAL TRUST 2004-HE3), MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC., AND WESTERN PROGRESSIVE, LLC

28 *[Proposed Order on Next Page]*


ORDER

This Honorable Court, having reviewed the Stipulation of the Parties herein above and finding good cause therefore, hereby orders as follows:

Defendants OCWEN LOAN SERVICING, LLC, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR IXIS REAL ESTATE CAPITAL TRUST 2005-HE3 MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2005-HE3 (erroneously sued as DEUTSCHE BANK NATIONAL TRUST COMPANY), DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR IXIS REAL ESTATE CAPITAL TRUST 2005-HE3 MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2005-HE3 (erroneously sued as IXIS REAL ESTATE CAPITAL TRUST 2004-HE3), MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AND WESTERN PROGRESSIVE, LLC (collectively "Defendants") shall be granted until **April 25, 2012** to file a Reply to Plaintiffs' Opposition to Defendants' Motion to Dismiss Plaintiffs' Third Amended Complaint.

IT IS SO ORDERED.

Dated: April 11, 2012


HONORABLE NANDOR J. VADAS
United States Magistrate Judge,
United States District Court,
Northern District of California, Eureka Division

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of eighteen and not a party to the within action. My business address is 9970 Research Drive, Irvine, California 92618.

On April 10, 2012, I served the following document described as:

STIPULATION RE. EXTENSION OF TIME TO FILE REPLY TO PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

On the following interested parties in this action:

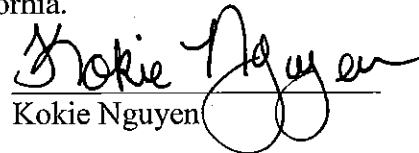
Christopher James Neary
Attorney at Law
110 So. Main St., #C
Willits, CA 95490
E-Mail: cjneary@pacific.net
Attorney for Plaintiffs

Christopher Lee Peterson
Pite Duncan, LLP
4375 Jutland Drive, Suite 200
P.O. Box 17935
San Diego, CA 92177-0935
E-Mail: cpeterson@piteduncan.com
Attorneys for Saxon Mortgage Services, Inc.

[X] **BY ELECTRONIC MAIL:** I transmitted the document(s) listed above electronically either by e-mail or by electronic filing through the CM/ECF System to the e-mail addresses listed above. I am readily familiar with Microsoft Outlook's e-mail system and the United States District Court's CM/ECF System, and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Executed on April 10, 2012, at Irvine, California.


Kokie Nguyen